

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

<b>CHERYLANN BORGHETTI and PETER BORGHETTI,</b>	)	
	)	
	)	
<b>Plaintiffs,</b>	)	
<b>v.</b>	)	<b>Civil No. 19-798</b>
	)	
	)	
<b>CBD USA GROWN, INC., KMA HOLDINGS GROUP, LLC, GREENLEAF GOLDEN ENTERPRISES, LLC, and DEBORAH GESTNER,</b>	)	
	)	
<b>Defendants.</b>	)	

**ORDER**

This action settled on May 7, 2023, as memorialized in the Court’s approval of the parties’ Joint Stipulation of Dismissal. ECF No. 176. As part of the joint stipulation of dismissal, the parties stipulated to the dismissal of this action, “without prejudice to reopen for the limited purposes of (i) enforcing the terms of the settlement agreement, and (ii) entering a consent judgment.” *Id.* At the time of settlement, the parties’ confidential settlement agreement was not filed on the docket or provided to the Court, which is not unusual. Presently, Plaintiffs Cherylann Borghetti and Peter Borghetti have filed a Motion to Enter Consent Judgment, pursuant to the Stipulation of Dismissal approved by the Court on May 7, 2023. ECF No. 177.

The Court ordered that Defendant Deborah Gestner file her Response to the Motion by August 6, 2024. ECF No. 178. On July 25, 2024, Ms. Gestner contacted the Court via email to request additional time to prepare her Response, due to medical reasons and the need for assistance from family members. She requested an extension to August 15, 2024. That extension was granted. ECF No. 179. By email from Court staff, Ms. Gestner was informed

that, despite the Court granting an extension based on her email, that in the future “all such requests, motions, and communications must be entered on the docket in this case.” On August 15, 2024, Ms. Gestner again via email to Chambers, and not by motion filed on the docket, requested a four-day extension of time, to August 19, 2025, to file her Response. Because this request was not made on the docket by motion the request was ignored, as Ms. Gestner has been repeatedly told that any communication with the Court must be filed on the docket. In any event, Ms. Gestner did not file a Response by the August 15, 2024 deadline, nor did she file a Response by her hoped-for August 19, 2024 deadline. Thus, Ms. Gestner did not file a Response to Plaintiffs’ Motion to enter consent judgment.

Following the Court’s review of the Confidential Settlement and Mutual Release Agreement, the Court concludes that the terms of the Settlement are clear and unambiguous. Plaintiffs are permitted to seek a Consent Judgment pursuant to Paragraph 3 of the Settlement Agreement, because Ms. Gestner has not paid the aggregate settlement sum of \$50,000 by the deadline of December 1, 2023. Accordingly, the Motion to Enter Consent Judgment will be granted, and a Consent Judgment will be entered in the amount of \$49,900, comprising the \$50,000 amount due, less the \$100 payment made by Ms. Gestner.

AND NOW, this 27th day of August 2024, it is hereby ORDERED that Plaintiffs’ Motion to Enter Consent Judgment, pursuant to the Stipulation of Dismissal approved by the Court on May 7, 2023, ECF No. 177, and the parties’ Settlement Agreement, is GRANTED.

The Consent Judgment will be filed separately on the docket.

s/Marilyn J. Horan  
Marilyn J. Horan  
United States District Judge

Deborah Gestner  
392 Rehoboth Road  
Belle Vernon, PA 15012